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**LEGISLATION  
BROUGHT FORWARD  
FROM  
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STATUS  
IN COMMITTEE  
ONTO  
THE FLOOR  
OF  
COUNCIL**

**DATE:** July 16, 2001

**Legislation I.D.#:** 01-0-0842

**Committee:** Finance / Executive

**Requested By:** Michael Bond

**Action Taken:**

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AN ORDINANCE BY

COUNCILMEMBER MICHAEL BOND

01-0-0842

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES, SECTION \_\_\_\_ TO ALLOW SENIOR CITIZENS TO DEFER ALL OR PART OF THE MUNICIPAL AD VALOREM TAXES IN THE CITY OF ATLANTA PURSUANT TO O.C.G.A. 48-5-71 ET SEQ.; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

**WHEREAS**, the Atlanta City Council has concerns regarding the rising property taxes paid by senior citizens who are long term residents of the city; and

**WHEREAS**, the Atlanta City Council is particularly concerned with those retirees whose income is less than \$15,000 a year but whose property values have continued to rise each year; and

**WHEREAS**, the Council wants to insure that these residents are not unduly burdened by rising property taxes that could threaten their ability to maintain ownership of their homes.

**THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS AS FOLLOWS:**

**Section 1.**

That the City of Atlanta Code of Ordinances, Section \_\_\_\_ be amended to state the following:

**Definitions.**

As used in this part, the term:

(1) "Gross household income" means all income, for all individuals residing within the homestead, from whatever source derived including, but not limited to, the following sources:

(A) Compensation for services including fees, commissions, and similar items;

(B) Gross income derived from business;

(C) Gains derived from dealings in property;

the assessed value which is \$50,000.00 or less.

(b) It shall be the burden of each applicant for a deferral to demonstrate affirmatively his compliance with the requirements of this part.

### **Section 3.**

(a) As an alternative to the tax deferral authorized by O.C.G.A.

Section 48-5-72, any individual aged 62 or older residing within the legal boundaries of the City of Atlanta who is entitled to claim a homestead exemption pursuant to O.C.G.A. Section 48-5-44 may elect to defer payment of all or any part of that portion of the ad valorem taxes levied on the individual's homestead which exceeds 4 percent of the individual's gross household income for the immediately preceding calendar year. An application for tax deferral under this Code section shall be filed annually with the tax collector or tax commissioner on or before April 1 of the year for which the deferral is sought. If an individual files for a tax deferral under this Code section, such individual shall not be authorized to file for a tax deferral under O.C.G.A. Section 48-5-72.

(b) The amount of the assessed value of the homestead and the amount of gross household income shall not limit the tax deferral authorized by this Code section. However, except for the provisions of Code Section 48-5-72 and paragraph (2) of Code Section 48-5-73, the provisions of this part shall apply to the tax deferral authorized by this ordinance and O.C.G.A. .

(c) It shall be the burden of each applicant for a deferral under this Code section to demonstrate affirmatively the applicant's compliance with this Code section and other provisions of this part.

### **Section 4.**

No tax deferral in any one year shall be granted pursuant to this ordinance:

(1) If the total amount of deferred taxes and interest plus the total amount of all other unsatisfied liens on the homestead exceeds 85 percent of the fair market value of the homestead as shown on the county tax digest for the immediately preceding tax year;

(2) If the applicant's gross household income for the immediately preceding calendar year exceeds \$15,000.00;

(2) An appeal of the decision of the appropriate tax official to the board of equalization shall be in writing on a form prescribed by the department and furnished by the appropriate tax official. The appeal shall be filed with the board within 20 days after the applicant's receipt of the notice of disapproval. The board shall review the application and evidence presented to the appropriate tax official upon which the applicant based such applicant's claim for a tax deferral and, at the election of the applicant, shall hear the applicant in person or by agent in such applicant's behalf on such applicant's right to a homestead tax deferral. The board of equalization shall reverse the decision of the appropriate tax official and shall grant a homestead tax deferral to the applicant if in its judgment the applicant is entitled thereto, or it shall affirm the decision of the appropriate tax official. Such action by the board of equalization shall be final unless the applicant, appropriate tax official, or other lienholder files an appeal with the superior court of the county in which the property lies within 30 days from the date the taxpayer receives written notification of the decision of the board of equalization.

(d) Each application shall contain a list, and the current value, of all outstanding liens on the applicant's homestead.

(e) If proof of fire and extended coverage insurance has not been furnished with a prior application, each applicant shall furnish proof of such insurance in an amount which is in excess of the sum of all outstanding liens and deferred taxes and interest with a loss payable clause to the appropriate tax official.

#### **Section 6.**

(a) The amount of taxes deferred pursuant to this part shall accrue interest until paid at three-fourths of the rate specified in Code Section 48-2-40.

(b) Interest on taxes deferred pursuant to this part in any year shall begin accruing on the date the taxes were due in that year.

#### **Section 7.**

(a) The taxes and interest deferred pursuant to this part shall constitute a prior lien and shall attach as of the date and in the same manner and shall be collected as are other liens for taxes, as provided for under this title, but the deferred taxes and interest shall only be due, payable, and delinquent as provided in this part.

amount of deferred taxes and interest to become due and payable at the end of the 30 days.

(e) All deferred taxes which are made due and payable by this Code section shall be delinquent and subject to interest in accordance with Code Section 48-5-75 at the end of 120 days following the date the deferred taxes become due and payable.

#### **Section 10.**

a) All or part of the deferred taxes and accrued interest may be paid at any time to the appropriate tax official by:

(1) The owner of the property or the spouse of the owner; or

(2) The next of kin of the owner, heir of the owner, child of the owner, or any person having or claiming a legal or equitable interest in the property, provided that no objection is made by the owner within 30 days after the appropriate tax official notifies the owner of the fact that such payment has been tendered. Any payment made under this paragraph shall be deposited in a special escrow account for the 30 day period; and the appropriate tax official shall not make distribution of the amount under O.C.G.A. Section 48-6-74 while the funds are held in escrow.

(b) Any partial payment made pursuant to this Code section shall be applied first to accrued interest. By resolution of the appropriate county or municipal governing authority, a minimum amount of partial payment which may be accepted in the county or municipality pursuant to this part may be established. The required minimum payment shall not exceed \$25.00.

#### **Section 11.**

When any deferred taxes or interest is collected, the appropriate tax official shall maintain a record of the payment, which record shall contain a description of the property and the amount of taxes or interest collected for the property. The appropriate tax official shall distribute payments received to the local tax jurisdictions to whom the taxes and interest are owed.

#### **Section 12.**

If any holder of a deed to secure debt or any mortgagee elects to pay the taxes of an applicant who qualifies for and receives a tax